

ENTERED

March 05, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**WALTER C. SAENZ and WCS LEASING,
L.L.C., d/b/a MARS RECOVERY,**

Plaintiffs,

v.

U.S. BANK, N.A.,

Defendant.

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CASE NO. 4:21-cv-00661

TEMPORARY RESTRAINING ORDER

On this day, came on for consideration U.S. Bank National Association's ("U.S. Bank") Emergency Application for *Ex-Parte* Writ of Sequestration and Injunctive Relief (the "Application"). After considering the pleadings and other papers on file with the Court, the Court finds that the Application should be and hereby is **GRANTED** for the reason that U.S. Bank has met the standards necessary for temporary injunctive relief:

1. U.S. Bank has clearly demonstrated that there is an immediate and imminent risk that irreparable injury will occur if this Order is not granted before notice is provided to Walter C. Saenz ("Mr. Saenz") and WCS Leasing, L.L.C. d/b/a Mars Recovery ("Mars Recovery") given the concern that they may sell or otherwise dispose of the 2019 Fleetwood Discovery Model 38F (VIN# 4UZACGFC2KCLN3018) (the "RV");

2. U.S. Bank has demonstrated a substantial likelihood of success on the merits of its claims;

3. U.S. Bank will suffer irreparable harm if this Order is not granted. If Mr. Saenz and Mars Recovery sell or otherwise dispose of the RV, U.S. Bank will not be able to recover the amount owed under the Loan and the collateral that secures the Loan will no longer be available

to sell to pay off the Loan. Mr. Saenz and Mars Recovery's sale or disposition of the RV would cause U.S. Bank to suffer irreparable harm for which there is not adequate legal relief. Absent the requested injunctive relief, U.S. Bank will suffer imminent, irreparable injury;

4. The threatened injury to U.S. Bank outweighs any injury to Mr. Saenz and Mars Recovery resulting from this injunction; and

5. The public interest in the enforcement of state policies and procedures favors the entry of this order.

IT IS THEREFOR ORDERED that:

(a) Mr. Saenz and Mars Recovery and any and all of their agents or representatives and all persons in active concert or participation with them are prohibited from accessing, entering, driving, removing, moving, withdrawing, using, marketing, advertising, selling, transferring, gifting, secreting, co-mingling, damaging, hiding, concealing, and/or otherwise disposing of the RV and/or removing it from Montgomery County, Texas or wherever the RV is currently located; and

(b) If the RV is no longer in the possession or control of Mr. Saenz and Mars Recovery, they shall immediately advise the Court of the location of the RV and provide a detailed report on how the RV was disposed of, including, but not limited to the date on which the RV was disposed of, the name and contact information of the current owner, the selling price of the RV, and a bill of sale.

This Order shall continue in effect until the conclusion of the hearing scheduled to commence on the 10th day of March 2021, at 4:30 o'clock P.M., at which time Mr. Saenz and Mars Recovery shall appear before this Court to show cause, if any, why a Preliminary Injunction shall not be issued as requested by U.S. Bank.
Notice of setting will follow.

This Order shall not be effective unless and until U.S. Bank deposits with the Clerk of Court a check in lieu of a bond in the amount of \$35,000.00.

Signed this 5th day of March 2021.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', is written over a horizontal line.

Andrew S. Hanen
United States District Judge